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Class Counsel and

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[Additional counsel appear on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CLARK and REBECCA WIXON, NORMAN
and BARBARA WIXON, and KANDICE
SCATTOLON, derivatively and on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WYNDHAM RESORT DEVELOPMENT
CORP. (f/k/a Trendwest Resorts, Inc.),

Defendant.

Case No. C 07-2361 JSW (BZ)

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING ECF/CM
POSTING OF CLASS MEMBER OPT-
OUT LETTERS MAILED TO THE
COURT AS MODIFIED**

Class Action

1 WHEREAS, Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara Wixon, and Kandice
 2 Scattolon (collectively, "Plaintiffs") and Defendant Wyndham Resort Development Corp.
 3 ("Wyndham") (collectively, the "Parties") have reached a proposed settlement of the above-captioned
 4 class action, which the Court preliminarily approved on December 3, 2010 (Dkt. No. 668);

5 WHEREAS, Class Counsel has caused written notice of the settlement in the form approved by
 6 the Court (the "Class Notice") to be mailed to all members of the Class in accordance with the Court's
 7 April 19, 2011 order (Dkt. No. 683);

8 WHEREAS, the Class Notice and the Court's April 19, 2011 order provided that Class members
 9 were permitted to opt-out of the settlement by mailing a written opt-out letter to Class Counsel;

10 WHEREAS, counsel for the Parties have become aware that, despite the procedure set forth in
 11 the Class Notice, a small group of Class members advised other Class members to mail copies of their
 12 opt-out letters to the Court in addition to Class Counsel. As a result, Class members have mailed opt-
 13 out letters to the Court in addition to Class Counsel, which has resulted in a significant and unnecessary
 14 administrative burden on the Court and its clerical staff related to the scanning and posting of such opt-
 15 out notices on the Court's ECF/CM system;

16 IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties, by and
 17 through their respective counsel, and subject to approval of the Court, that, in accordance with General
 18 Order 45, § VII, any opt-out letters that have been lodged with or submitted to the Court need not be
 19 scanned and posted on the Court's ECF/CM system.

20 IT FURTHER IS HEREBY STIPULATED AND AGREED, subject to approval of the Court,
 21 that on or before July 22, 2011, Class Counsel will file with the Court a report identifying all Class
 22 members who have requested exclusion from, or opted-out of, the proposed settlement in accordance
 23 with the procedures set forth in the Class Notice and the Court's April 19, 2011 order.

1 Dated: July 14, 2011

Respectfully submitted,

2 **GIRARD GIBBS LLP**

3 By: /s/ Elizabeth C. Pritzker
4 Elizabeth C. Pritzker

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22 *Attorneys for Plaintiffs Clarke and Rebecca Wixon, Norman*
23 *and Barbara Wixon, and Kandice Scattolon*

24 Dated: July 14, 2011

25 **TROUTMAN SANDERS, LLP**

26 By: /s/ J.Kirk Quillian
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*Attorneys for Defendant Wyndham Resort
Development Corporation*

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. , as modified below.

DATED: July 14, 2011


The Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE

The Clerk shall make one entry per day of any opt-out letters that have been received, and shall docket it as "Opt Out Letters Received on _____ (appropriate date to be filled in). The originals of any opt-out letters shall be maintained in the Court file.